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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/571,198	03/09/2006	David Barras	Q93357	3686
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SUGHRUE MION, PLLC				
2100 PENNSYLVANIA AVENUE, N.W.				
SUITE 800				
WASHINGTON, DC 20037				
EXAMINER				
KAYES, SEAN PHILLIP				
ART UNIT		PAPER NUMBER		
2833				
MAIL DATE		DELIVERY MODE		
09/30/2008		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/571,198

Applicant(s)

BARRAS ET AL.

Examiner

SEAN KAYES

Art Unit

2833

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 September 2008 and 13 August 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 15-25, 27 and 28 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 15-25 and 28 is/are rejected.
- 7) ☒ Claim(s) 27 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 7/16/2008 has been entered.

Claim Objections

2. Claim 15 is objected to for being indefinite. The phrase "such as" renders the claim indefinite because it is unclear whether the limitations following the phrase are part of the claimed invention. See MPEP § 2173.05(d).

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 15-19, 23, and 28 were previously rejected under 35 USC 102(b) as being anticipated by Koch (US 5798984.)

5. Claim 15 is currently amended to include the language the antenna "lies in a plane which makes a plane in which said display device is located at an angle between 0 and 90 degrees, the values 0 and 90 degrees being excluded.

This amendment does not overcome the Koch reference see antenna 20 figure 3 which is at an angle relative to the display which is neither 0 nor 90 degrees.

The rejection of claim 15-19, 23, and 29 under 35 USC 102(b) as being anticipated by Koch (US 5798984) is maintained.

6. The rejection of claim 20 and 22 under 35 USC 103(a) as being unpatentable over Koch in view of Megner is maintained.

7. Claims 24 is rejected under 35 USC 103(a) as being unpatentable over Koch (US 5798984) in view of Yano (US 6249487) and Denninger (US 5502446).

Koch does not disclose wherein said antenna is a patch type antenna including a radiating element separated from a ground plane by a dielectric and electrically connected to said electronic module by a feed conductor, said ground plane resting on the outer face of said bezel element and being electrically connected to said electronic module by a ground conductor.

The use of patch antennas according to these claims is well known with regard to GPS technology. Yano teaches a GPS wristwatch with a GPS antenna located in the 12 o'clock position and with an angle relative to the display which is neither 0 nor 90. Yano's antenna 23 figures 30a-b is depicted as a flat plate so as to be indicative of being a patch type antenna according to the claim limitations. Yano does not explicitly recite that 23 figures 30-ab is a patch antenna.

As previously stated patch antennas are well known antenna's used in GPS communication. Denninger teaches a patch type antenna 26 figure 5 located at a 12 o'clock position of a wrist worn device and appears to have an angle relative to the display means.

At the time of the invention it would have been obvious to one skilled in the art to configure Koch's device with a patch type antenna in the 12 o'clock position with an angle relative to the display which is neither 0 nor 90 degrees, as taught by Denniger and Yano. The reason for doing so would have been to enable GPS communication in the device as taught by Yano and Denniger. A reason for angling the antenna is to increase visibility of the display as taught by Yano (column 17 lines 4-9.)

8. Claims 25 is rejected under 35 USC 103(a) as being unpatentable over Koch (US 5798984) in view of Yano (US 6249487) and Denninger (US 5502446) in further view of Kalis (US 6215671.)

Koch does not disclose wherein said ground plane is formed of a stamped metal plate including at least one leg bent outside the ground plane and directly connecting said

ground plane to said electronic module, said leg forming said antenna ground conductor.

The use of bent legs in a grounding plate to connect electronic means is well known in the art. Kalis teaches bent legs 42 and 46 figures 5-8 for electrically connecting a ground plate (28 figures 6-8.)

At the time of the invention it would have been obvious to one skilled in the art to connect the ground plate of Koch's device (as previously modified to have a ground plate of a patch antenna) to electrically connect the ground plate to the remaining electronic module by means of a bent leg of the ground plate, as taught by Kalis. The reason for doing so would have been to form an electrical connection means of the ground plate. Electrical connection of the ground plate establishes a common ground.

Allowable Subject Matter

9. Claim 27 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

10. The prior art does not disclose or suggest the claimed "protection means" ... "these protection means including a printed serpentine path..." in combination with the remaining claim elements as set forth in claim 27.

Response to Arguments

11. The allowability of the claims, not pertaining to the amendments has not been argued. The allowability of the dependent claims has not been separately argued.

12. With regard to claims 24 and 25, the allowability of these claims is rescinded. Newly identified prior art renders these claims obvious as discussed above. Claim 27 is still objected to, but would be allowable is presented in independent format.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to SEAN KAYES whose telephone number is (571) 272-8931. The examiner can normally be reached on 11:00am to 9:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Renee Luebke can be reached on (571) 272-2009. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Felix O. Figueroa/
Primary Examiner, Art Unit 2833

SK
9/22/2008